

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

FIFTY-NINTH LEGISLATIVE DAY
WEDNESDAY, MARCH 5, 2008

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Bair, Bastian, Bilyeu, Broadsword, Cameron, Fulcher, Hammond, Keough, Langhorst, Lodge, Richardson, and Werk, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Madisen Holbrook, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 4, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions and Memorials

SCR 133

BY FINANCE COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND PROVIDING LEGISLATIVE AUTHORIZATION AND APPROVAL FOR THE LAVA HOT SPRINGS FOUNDATION OF THE STATE OF IDAHO TO ENTER INTO AN AGREEMENT OR AGREEMENTS WITH THE IDAHO STATE BUILDING AUTHORITY TO FINANCE AND PROVIDE CERTAIN IMPROVEMENTS AND RECREATIONAL EQUIPMENT.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, current facilities for use of the Lava Hot Springs Foundation are inadequate and new improvements and additional recreational equipment are appropriate to meet the needs of the Lava Hot Springs Foundation; and

WHEREAS, it is advantageous to arrange for financing of the new facilities through the Idaho State Building Authority in order to take advantage of tax-exempt financing.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Lava Hot Springs Foundation of the State of Idaho is hereby authorized to enter into an agreement or agreements with the Idaho State Building Authority, upon such terms and conditions as may be reasonable and necessary, for the purpose of financing and providing certain improvements and recreational equipment for the Lava Hot Springs Foundation.

BE IT FURTHER RESOLVED that this resolution shall for all purposes constitute prior legislative approval in accordance with Section 67-6410, Idaho Code, with respect to the agreement or agreements and the facilities referred to herein.

SCR 133 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Bair, Bastian, Broadsword, Hammond, Keough, Langhorst, Lodge, Richardson, and Werk were recorded present at this order of business.

March 5, 2008

The JUDICIARY AND RULES Committee reports that **S 1460, S 1461, S 1462, S 1463, S 1464, and S 1465** have been correctly printed.

DARRINGTON, Chairman

S 1460 was referred to the Transportation Committee.

S 1461 was referred to the State Affairs Committee.

S 1462, S 1463, and S 1464 were referred to the Finance Committee.

S 1465 was referred to the Judiciary and Rules Committee.

March 4, 2008

The JUDICIARY AND RULES Committee reports that **S 1268, S 1318**, as amended, **S 1321**, as amended, **S 1326, S 1327, S 1328, S 1333, S 1334, and S 1357** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1268, S 1318**, as amended, **S 1321**, as amended, **S 1326, S 1327, S 1328, S 1333, S 1334, and S 1357**, and ordered them transmitted to the House for the signature of the Speaker.

March 4, 2008

March 5, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **S 1319** and **S 1320** were delivered to the Office of the Governor at 12 noon, March 4, 2008.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 4, 2008

The JUDICIARY AND RULES Committee reports that **S 1372**, as amended in the House, and **S 1413**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1372, as amended in the House, and **S 1413**, as amended, were filed for first reading.

March 4, 2008

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1413** and **H 410**, as amended, have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 4, 2008

The FINANCE Committee reports out **H 570** and **H 571** with the recommendation that they do pass.

CAMERON, Chairman

H 570 and **H 571** were filed for second reading.

March 4, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 418**, as amended, and **H 530** with the recommendation that they do pass.

HILL, Chairman

H 418, as amended, and **H 530** were filed for second reading.

March 4, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 470** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

HILL, Chairman

There being no objection, **H 470** was referred to the Fourteenth Order of Business, General Calendar.

The FINANCE Committee reports out **S 1462**, **S 1463**, and **S 1464** with the recommendation that they do pass.

CAMERON, Chairman

S 1462, **S 1463**, and **S 1464** were filed for second reading.

March 4, 2008

The EDUCATION Committee reports out **H 397** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, **H 397** was referred to the Fourteenth Order of Business, General Calendar.

March 4, 2008

The EDUCATION Committee reports out **S 1450** with the recommendation that it do pass.

GOEDDE, Chairman

S 1450 was filed for second reading.

March 4, 2008

The EDUCATION Committee reports out **H 423** with the recommendation that it do pass.

GOEDDE, Chairman

H 423 was filed for second reading.

March 5, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1444** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, **S 1444** was referred to the Fourteenth Order of Business, General Calendar.

March 5, 2008

The STATE AFFAIRS Committee reports out **S 1432** with the recommendation that it do pass.

McKENZIE, Chairman

S 1432 was filed for second reading.

March 5, 2008

The STATE AFFAIRS Committee reports out **S 1446** and **S 1448** with the recommendation that they do pass.

McKENZIE, Chairman

S 1446 and **S 1448** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 4, 2008

Mr. President:

I transmit herewith Enrolled **HCR 38** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **HCR 38** and ordered it returned to the House.

March 4, 2008

Mr. President:

I return herewith Enrolled **S 1265** and **S 1267**, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1265** and **S 1267** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

Senators Bilyeu and Fulcher were recorded present at this order of business.

S 1466 BY FINANCE COMMITTEE AN ACT

APPROPRIATING MONEYS FOR THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE REAPPROPRIATION OF CERTAIN MONEYS.

S 1466 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 410, as amended, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the first time at length and filed for second reading.

S 1372, as amended in the House, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

S 1413, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 354, by State Affairs Committee, was read the second time at length and filed for third reading, Consent Calendar.

S 1434, by State Affairs Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 456 and **H 417**, as amended, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

S 1456, **S 1457**, **S 1458**, and **S 1459**, by Finance Committee, were read the second time at length and filed for third reading.

H 399 and **H 384**, by Education Committee, were read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Tenth Order of Business.

Motions and Resolutions

Senator Cameron was recorded present at this order of business.

The President announced that **HCR 37** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Stennett, seconded by Senator Little, **HCR 37** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **SCR 128** was before the Senate for final consideration.

Moved by Senator Kelly, seconded by Senator Schroeder, that **SCR 128** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bilyeu, Burkett, Coiner, Corder, Kelly, Langhorst, Little, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 13.

NAYS--Bair, Bastian, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Siddoway. Total - 20.

Absent and excused--Gannon, Geddes. Total - 2.

Total - 35.

Whereupon the President declared that the Senate had failed to adopt **SCR 128** and ordered the resolution filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1451 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Geddes. Total - 2.

Total - 35.

Whereupon the President declared **S 1451** passed, title was approved, and the bill ordered transmitted to the House.

The President called Senator Darrington to the Chair.

S 1452 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Geddes. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1452** passed, title was approved, and the bill ordered transmitted to the House.

S 1453 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Geddes. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1453** passed, title was approved, and the bill ordered transmitted to the House.

S 1454 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Geddes. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1454** passed, title was approved, and the bill ordered transmitted to the House.

H 392 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKenzie, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stennett, Werk. Total - 27.

NAYS--Fulcher, McKague, Pearce. Total - 3.

Absent and excused--Andreason, Davis, Gannon, Geddes, Stegner. Total - 5.

Total - 35.

Whereupon the Acting President declared **H 392** passed, title was approved, and the bill ordered returned to the House.

H 393 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Stennett, Werk. Total - 28.

NAYS--Fulcher, McKague, Richardson. Total - 3.

Absent and excused--Davis, Gannon, Geddes, Stegner. Total - 4.

Total - 35.

Whereupon the Acting President declared **H 393** passed, title was approved, and the bill ordered returned to the House.

H 394 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stennett, Werk. Total - 29.

NAYS--Fulcher, McKague. Total - 2.

Absent and excused--Davis, Gannon, Geddes, Stegner. Total - 4.

Total - 35.

Whereupon the Acting President declared **H 394** passed, title was approved, and the bill ordered returned to the House.

H 428 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Geddes. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 428** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Werk, granted by unanimous consent, **H 389**, as amended, retained its place on the Third Reading Calendar for one legislative day.

H 446, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKague arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Gannon, Geddes. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 446**, as amended, passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

H 465 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators McKenzie and Lodge arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--Siddoway. Total - 1.

Absent and excused--Gannon, Geddes. Total - 2.

Total - 35.

Whereupon the President declared **H 465** passed, title was approved, and the bill ordered returned to the House.

Upon request by Senator Davis, granted by unanimous consent, **S 1434** was removed from the Consent Calendar.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:15 p.m. until the hour of 10 a.m., Thursday, March 6, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary